

REMARKS

Applicants respectfully request reconsideration and allowance of all pending claims.

I. Status of the claims

In this Amendment C, claim 15 has been canceled, and claims 1, 5, 6, 8-11, 17, 28, 29, 30, 36-40, 41 and 47-52 have been amended to more particularly claim certain embodiments. Specifically:

Claim 1 has been amended to incorporate the text of canceled claim 15;

Claims 5 and 6 have been amended to correct minor typographical errors therein;

Claims 8, 36 and 47 have been amended to define "DMF," "DMAC," "DMSO" and "THF," as requested by the Office, these abbreviations/acronyms being well-known and understood by one of ordinary skill in the art to reference dimethylformamide (DMF), dimethylacetamide (DMAC), dimethylsulfoxide (DMSO) and tetrahydrofuran (THF), respectively;

Claims 9 and 37 have been amended to delete the phrase "and hexane compounds", "and xylene compounds", and "for example; decanol, dodecanol" as requested by the Office;

Claims 10 and 11 have been amended to correct a minor typographical error therein, the word "substituted" being added before the word "pyrazolopyrimidine";

Claims 17, 30 and 41 have been amended to delete references to trade names, as requested by the Office;

Claim 28 has been amended to depend from claim 1, in view of the deletion of claim 15;

Claims 29, 38 and 39 have been amended to replace the generic term "zaloplon" with the corresponding compound name, support for which may be found in the text of the published application (i.e., Pub. No. US 2007/0155995) at, for example, page 1, paragraph [0002];

Claims 40, 49 and 50 have been amended to replace the trade name "Indiplon™" with the corresponding compound name, support for which may be found in the text of the published application (i.e., Pub. No. US 2007/0155995) at, for example, page 1, paragraph [0002]; and,

Claims 51 and 52 have been amended to depend from claim 1 in view of the cancellation of claim 15, while claim 52 has additionally been amended to replace the term "Oac" with the term "OAc", as requested by the Office.

Accordingly, upon entry of this Amendment C, claims 1-11, 17, 28-30, 32-41, 43-52 remain pending in this application.

II. Election/Restriction

Applicants notes that, in response to Applicants' Amendment B and Response to Restriction/ Election of Species Requirements (filed April 16, 2008), the Office has indicated that all claims recited therein are pending and under examination in the present Office action. Accordingly, Applicants understand this to mean that the traversal raised in Applicants' Amendment B was found persuasive.¹

¹ Applicants note that the Office actually states in the present Office action that the traversal was not found persuasive. However, the Office then goes on to state, "Thus, claims 1-11, 15 17, 28-30, 32-41 and 43-52 will be examined." (Emphasis added.) This is a recitation of all pending claims. Further, the Office has examined and commented on all pending claims in the present action. Accordingly, Applicants understand use of the word "not" here to be a typographical error.

III. Claim Objections and Allowable Claims

The objections to claims 8, 36, 47 and 52 have been addressed by the claim amendments described above. Specifically, claims 8, 36 and 47 have been amended to define the abbreviations/ acronyms used therein, while claim 52 has been amended to replace the term "Oac" with "OAc" (as requested by the Office). Accordingly, reconsideration of this objection is respectfully requested.

Applicants acknowledge that claims 28, 29, 32-36, 38, 39, 43-47 and 51 are objected to as being dependent on a rejected base claim, but that these claims would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. However, Applicants respectfully submit the objection to these claims is moot in view of the amendments and remarks provided herein.

IV. Rejections under 35 U.S.C. §112, Second Paragraph

Without commenting on the appropriateness of the rejection of claims 9, 15, 17, 30, 37, 40, 41 and 48-50 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, Applicants respectfully request reconsideration of the present rejection for the reasons set forth in detail below.

A. Claims 9, 37 and 48

Claims 9, 37 and 48 have been rejected as being indefinite due to the phrases "and hexane compounds", "and xylene compounds", and "for example; decanol, dodecanol". As noted above, these claims have been amended to remove these phrases. Accordingly, Applicants submit the rejection of these claims is rendered moot.

B. Claim 15

Claim 15 was rejected as being indefinite for use of the term "comprises", as well as the phrase "(C₁-C₃)" after the word "phenyl". As noted above, claim 15 has been canceled by this Amendment C, the

limitations of claim 15 being inserted into claim 1. However, it is to be noted that, in claim 1 as amended, (i) the phrase "pyrazolopyrimidine **comprises** a compound of Formula I" (emphasis added) from claim 15 has been changed to "pyrazolopyrimidine **is** a compound of Formula I" (emphasis added), and (ii) the phrase "(C₁-C₃)" after the word "phenyl" from claim 15 has been removed.

C. Claims 17, 30, 40, 41, 49 and 50

Claims 17, 30, 40, 41, 49 and 50 have been rejected as being indefinite due to the presence of trademarks and/or trade names therein. As noted above, these claims have been amended to remove these trademarks and/or trade names. Accordingly, Applicants submit the rejection of these claims is rendered moot.

V. Rejections under 35 U.S.C. §112, First Paragraph

Without commenting on the appropriateness of the rejection of claims 1-11 under 35 U.S.C. §112, first paragraph, for lack of an enabling disclosure, Applicants respectfully point out that claim 1 has been amended in the interests of expediting allowance of the present application. More particularly, Applicants point out that claim 1 has been amended to include the details of claim 15, which in turn clearly include or reference substituted pyrazole compounds having Formula I. Applicants further point out that the Office clearly states in the present action that the specification **is enabling** for a process of making "pyrazolo[1,5-a]pyrimidines of Formula I."

In view of the foregoing, Applicants submit the rejection of claims 1-11 is rendered moot. Reconsideration is therefore requested.²

² Applicants respectfully reserve the right to address the rejection of claims 1-11 under 35 U.S.C. §112, first paragraph, for lack of an enabling disclosure, at a later date, should it be necessary to do so.

CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of all pending claims.

Applicants do not believe that a fee is due in connection with the submission of this Amendment C. If, however, the Commissioner determines that a fee is due, authorization is hereby given to charge Deposit Account No. 13-1160.

Respectfully submitted,



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